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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,122	12/19/2000	Andrew Louis Wolf	L3472.00101	3141

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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/739,122	Applicant(s) WOLF ET AL. W	
	Examiner Yehdega Retta	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 06 October 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 17, 18, 21-28 and 31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 17, 18, 21-28 and 31 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

This office action is responsive to amendment filed October 6, 2004. Applicant amended claims 17 and 31. Claims 17, 18, 21-28 and 31 are pending in this application.

In the previous office action, mailed May 7, 2004, claim 19 was indicated as allowable subject matter, however under further consideration the indicated allowability of the claim is withdrawn and the finality of that action is also withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 17, 18, 21-28, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Forward U.S. Patent No. 6,578,011.

Regarding claims 17, 18, 25 and 27, Forward teaches a host system for signing up seller to pay commission to the host; obtaining a listing of inventory of property to be sold; maintaining database at the host which contain data records of different types and chronologies (see abstract and col. 4 line 32 to col. 5 line 50); processing rebate coupon by the host for properties selected to tour (see col. 6 lines 42-52); users remotely accessing via a communication network, Internet, to specify selection criteria to search the database...and delivering results of the search; recording each step of the method information in the data records; ranking of each search results with formula ... (see fig. 1-3 and col. 5 lines 4-19). Forward teaches wherein the processing of rebate coupons comprises of registering by a remotely accessing user of a purchase certificate comprising of a contract, an identification number, electronic certificate, or a hard copy and receiving an approval code from the host (see col. 5 lines 61-67 and col. 6 lines 1-52). The rebate coupon being clipped from a print-media or other sources does not alter the registering process, therefore, no patentable weight was given to the claimed feature.

Regarding claim 21, seller accepting the rebate coupon (see col. 6 lines 10 and lines 42-52).

Regarding claims 22-24, Forward teaches designating the host system as cooperating broker; buying the property by the potential buyer; pay of the buyer rebate when the seller pays the commission; invoicing the host of the seller of the broker's commission (see Fig. 1-4 and col. 5 lines 61 to col. 6 line 52).

Regarding claim 28, Forward teaches receiving and storing data relating to buyers, to form a buyer profile (see col. 7 lines 4-26).

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Regarding claim 26, Forward show the aggregation of selected records into a group (see col. 4 line 13 to col. 5 line 3-19).

Regarding claim 30, Forward teaches seller agree to list properties ... (see col. 2 lines 42-64 and col. 4 line 33 to col. 5 line 3).


Claim 31 is rejected as stated above in claim 17.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yehdega Retta
Primary Examiner
Art Unit 3622

YR